IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

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WRIT PETITION NO : 20018 of 1993

Between:

B.N.Rajasimhulu, s/o. B.Narasimhulu Naidu,
aged 42 years, Ex-President, Bommaipally Milk
Producers Coop. Society Ltd., RegdNo.1448 DD,
D.Nalagampally Post, Bangarupalem(M),Chittoor Dist.

..... PETITIONER

AND

1. Govt. of A.P. rep. by it's Secretary, Animal Husbandry &
Fisheries(Dairy-I), Department, Secretariat, Hyderabad.
2. Milk Commissioner & Registrar for Milk Cooperatives
O/o, the A.P. Dairy Development Coop. Federation Ltd,
Lalapet, Hyderabad.
3. District Collector/Election Authority, Chittoor ,
Chittoor District.
4. Deputy Registrar of Coop. Societies, (Dairy) ,
O/o. the Chittoor District coop, Milk Producers
Union Ltd., Milk Products Factory,Chittoor.
5. Sri N.Venkata Narasaiah,Deputy Registrar of
Coop. Societies, (Dairy) ,O/o.the Chittoor District coop,
Milk Producers Union Ltd., Milk Products Factory,Chittoor.
6 Sri V.V.Narasimha Chari, Cooperative Sub-Registrar,
Chittoor District Coop, Milk Producers Union Ltd., Milk
Products Factory,Chittoor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ, order or direction more particularly in the nature of WRIT OF MANDAMUS 1) declaring section 32(7) (a) of the A.P. Cooperative Societies act as illegal, arbitrary, discriminatory and violative of art.14 of the constitution of India as it has conferred unbridled power on the Govt./Registrar of Cooperative Societies without laying down any guidelines to exercise the discretion fairly and reasonably in choosing person or persons for being appointed as persons under the said section. ii) declaring the Proc.Rc.No.93/Coop/93 , dt.22.11.1993 of the 4th Respondent herein i.e., the Deputy Registrar of Cooperative Societies (Dairy), O/o. The chittoor District Coop. Milk Producers Union ltd., Regd.No.3953 D.D, Milk Products Factory, Chittoor Dist. in appointing an official (i.e.) 6th Respondent as Person-in-charge u/s.32(7)(a) of the A.P. Cooperative societies act to manage the affairs of the Bommaipally Milk Producers cooperative Society Ltd., Regd.No.1448 DD,Bommaipally(V),Bangarupalem(M),Chittoor Dist as illegal, arbitrary, without jurisdiction and hence void and consequently direct the 4th respondent to appoint the petitioner herein (i.e.) Ex-President of the said Society as a Person-in-charge u/s.32(7) (a) of the A.P. Cooperative Societies act to manage the affairs of the said society till elections are conducted.

Counsel for the Petitioners: MR.D.V.BHADRAM

Counsel for the Respondent No.1: GP FOR FISHERIES

Counsel for the Respondent Nos.2 to 6: GP FOR COOPERATION

The Court made the following:

O R D E R:

The cause in this writ petition does not survive requiring any adjudication since it had become infructuous.

The Writ Petition shall accordingly stand dismissed without any order as to costs.

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B.SUDERSHAN REDDY, J.

Date: 25-11-2004

GS/PV

To

1. The Secretary, Government of A.P., Animal Husbandry & Fisheries(Dairy-I), Department, Secretariat, Hyderabad.
2. Milk Commissioner & Registrar for Milk Cooperatives O/o, the A.P. Dairy Development Coop. Federation Ltd, Lalapet, Hyderabad.
3. District Collector/Election Authority, Chittoor, Chittoor District.
4. Deputy Registrar of Coop. Societies, (Dairy), O/o. the Chittoor District coop, Milk Producers Union Ltd., Milk Products Factory,Chittoor.
5. Sri N.Venkata Narasaiah,Deputy Registrar of Coop. Societies, (Dairy) ,O/o.the Chittoor District coop, Milk Producers Union Ltd., Milk Products Factory,Chittoor.

6 Sri V.V.Narasimha Chari, Cooperative Sub-Registrar, Chittoor District Coop, Milk Producers Union Ltd., Milk Products Factory, Chittoor.

7. 2CCs to the G.P. for Fisheries, High Court of A.P., Hyderabad(OUT)

8. 2CCs to the G.P. for Cooperatives, High Court of A.P., Hyderabad(OUT)

9. 2CD copies